

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MEMORANDUM &
ORDER ON REMAND

IN RE: ZYPREXA PRODUCTS LIABILITY
LITIGATION

04-MD-1596

EDWARD B. BENNETT,

Plaintiff,

-against-

ELI LILLY AND COMPANY
and DR. WILLIAM COREY,

Defendants.

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FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAR 31 2009 ★

CV08-1177

BROOKLYN OFFICE

Jack B. Weinstein, Senior United States District Judge:

Pro se plaintiff Edward B. Bennett, a prisoner, filed a Zyprexa-related complaint alleging claims against Eli Lilly & Company (“Lilly”) and Dr. William Corey, a Bureau of Prisons staff psychologist, on December 4, 2007 in the District of South Carolina. Corey filed a motion for summary judgment on March 17, 2008. On April 4, 2008, the case was transferred to the Eastern District of New York as part of the *In re Zyprexa Products Liability* Multi-District Litigation.

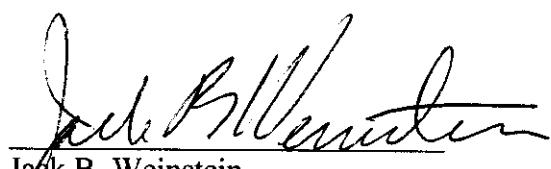
Plaintiff and Lilly reached a settlement and entered into a stipulation of dismissal of plaintiff’s claims against Lilly on November 13, 2008, which the court has approved. Corey’s motion for summary judgment remains unresolved.

The Zyprexa-related claim, over which this court had jurisdiction pursuant to the Multi-District Litigation, has been settled and dismissed by consent of the parties. The convenience of parties and witnesses favors transfer of the remaining proceedings to the district court in which the claim was originally brought. *See* 28 U.S.C. § 1404(a). It is therefore respectfully suggested

that the Panel on Multidistrict Litigation remand plaintiff's claims against the remaining defendant for disposition by the originating court in the District of South Carolina.

The Clerk of the Eastern District will notify the Multidistrict Litigation Panel Clerk.

SO ORDERED.



Jack B. Weinstein
Senior United States District Judge

Dated: March 27, 2009
Brooklyn, New York